

STATE OF SOUTH DAKOTA  
OFFICE OF PROCUREMENT MANAGEMENT  
523 EAST CAPITOL AVENUE  
PIERRE, SOUTH DAKOTA 57501-3182

**Needs Assessment/Gap Analysis of**  
**Behavioral Health Services**  
**Response to Questions**

**PROPOSALS ARE DUE NO LATER THAN May 22nd, 2020 by 5:00 PM CDT**

RFP #1973

BUYER: Division of Behavioral Health

POC: Dawson Lewis  
Dawson.Lewis@state.sd.us

**COVID-19 Related Questions:**

**Timeline Related Questions:**

1. Given the current changing environment with the COVID-19 pandemic, does the state expect to maintain the current timeline outlined in the RFP? **Yes**
2. At this time, does the State anticipate any impact to the project timeline due to Covid-19? **No**
3. How has COVID-19 affected the timeline for this project deadline and start date? **There are no expected timeline changes currently.**

**Ink Signature Requirements**

4. Due to COVID-19, many states stay at home orders, and the uncertainty of when restrictions will be lifted, would the State consider waiving the ink signature requirement and accept an electronic signature? **Yes**
5. Submitting Your Proposal All proposals must be signed in ink by an officer of the Offeror legally authorized to bind the Offeror to the proposal and sealed in the form intended by the respondent. Proposals that are not properly signed may be rejected.
  - a. Considering the Shelter in Place Restrictions currently in place - Mercer is operating virtually. Will South Dakota accept an electronic signature to meet this requirement? **Yes**
6. Do all nine proposal copies require an inked signed RFP Form or only the original? **No, only the original requires an inked signed RFP Form.**

**Hard Copy Submission Requirements:**

7. Given the ongoing impact of the COVID-19 pandemic and the logistical challenges resulting from the need for social distancing, bidders are confronted with unusual logistical challenges that greatly limit access to resources needed to produce the required hard-copy proposal submissions.

- a. Would DBH therefore consider removing the requirement to provide hard copies of the proposal and accept bidders' electronic submissions instead? **Yes. While we prefer paper copies for our reviewers, given the current situation with the COVID-19 pandemic we are accepting electronic copies via a SFTP site. See response to question 8 for SFTP site instructions.**
8. RFP 5.1 – Due to COVID-19, our offices have been closed and will not reopen for an undisclosed amount of time. Would the State consider removing the physical copy requirements and accept the proposal via email or via safe file transfer protocol (SFTP), or another online medium? **Yes, proposals may be submitted electronically via SFTP. If you wish to do this, you must notify [Dawson.Lewis@state.sd.us](mailto:Dawson.Lewis@state.sd.us) on or before **May 18, 2020**.**
9. Due to COVID-19-related closings and work/stay at home conditions, will the requirement for the proposal to be signed in ink and the delivery of hard copies and USB flash drives be waived for this response? **No, proposals submitted electronically will be submitted electronically through a SFTP site. See response to question 8 for SFTP site instructions.**
10. Will the state accept an email copy of the proposal if there are still statewide Stay at Home Advisories due to COVID-19? **No, proposals submitted electronically will be submitted electronically through a SFTP site. See response to question 8 for SFTP site instructions.**

#### General Questions related COVID-19

11. What flexibility will the successful awardee be granted in addressing any unforeseen and emerging issues due to the coronavirus pandemic throughout the contract period of performance? **The DBH will allow flexibility to support the selected vendor to adhere to emergency declaration orders including social distancing, stay at home orders etc.**

#### Budget Questions

12. Does the State have an estimated budget for this project and, if so, what is the amount (or range)? **The State is looking for proposals that fulfil the RFP requirements as well as the associated budget needed to complete the requirements outlined. Proposals could identify various options and budgetary impact for the state to consider.**

#### Questions Related to Section 3.0

##### General Questions

13. RFP 3.0 – Is there any pending state or federal litigation concerning the structure or operation of the mental health system in the State, or any existing court settlements or consent agreements in place imposing requirements upon the structure or operation of mental health or substance misuse services in the State? **No**
14. RFP 3.0 – Has the state Department of Insurance or any other agency of state government undertaken a review of mental health and substance misuse provider compliance with state or federal parity laws such as the Mental Health Parity and Addiction Equity Act of

2008, and if such a review has been undertaken are there any resulting publicly available reports? **No**

15. Section 1.1 refers to “a comprehensive needs and gaps analysis of both privately and publicly funded behavioral health services”; the only services that are mentioned specifically, however, are in Section 3.0 in reference to mental health and substance use disorder services that DBH accredits and contracts. The mental health services list does not include residential or inpatient—are these to be within the scope of work as well? – **Yes**
16. Does “privately and publicly funded behavioral health services” include others than the community mental health centers and substance use disorder treatment agencies accredited or contracted by DBH—such as primary care clinics, private practice providers, faith-based organization? **Yes**
17. Are private inpatient providers to be included in the SOW? **Yes**
18. Is Correctional Behavioral Health to be included in the SOW? **No**

### Section 3.1 – Analysis of Data

19. Section 3.1 of the RFP requires the selected offeror to analyze “current county census data ... and national prevalence data to calculate regional and local prevalence rates.” Does the Division of Behavioral Health have prevalence data from individuals served or funded by the Division or another state agency (e.g. Medicaid) that could be shared with the successful offeror to assist with this requirement? Specifically, is Medicaid claims data for behavioral health services, including diagnoses or service code available? **Yes, the Division of Behavioral Health had data that can be shared with the selected vendor. Yes, Medicaid claims data would be available.**
20. "...conduct a comprehensive needs and gap analysis of both publicly and privately funded behavioral health services in South Dakota..."
- a. For BH programs funded and operated outside of the administration of the Division of Behavioral Health, will the vendor be provided access to information to support the needs and gaps analysis (e.g, utilization data, provider inventories and capacity, etc.)? - **It would be up to the vendor to work with entities outside of the administration of the DBH to capture this information.**
21. What, if any, data sets will be provided to the contractor? **The State may provide data for publicly funded behavioral health services, as well as data from the State Medicaid system.**
22. Will the winning bidder have access to de-identified data to inform the gap analysis? -**Yes, for services provided through the publicly funded behavioral health system. The selected vendor will need to work with entities that provide behavioral health services through other payor sources to capture the needed information.**
23. What data and/or data sources does the state have to share with the successful bidder and how are these data coded geographically? **The State may provide data for publicly funded behavioral health services, as well as data from the State Medicaid system. Data can be provided at a state and county level.**
24. The RFP states the final report should identify current gaps in behavioral health services and local prevalence rates at the state, regional, and local levels. Can you provide more

- information on how you define the regional and local levels? **Prevalence rates should be reported in the five behavioral health regions identified here**  
<https://dss.sd.gov/docs/behavioralhealth/docs/behavioralhealthservices.pdf> , by **Community Mental Health Center catchment areas, and by county level, when possible.**
25. Will the contractor have a data-sharing agreement with the Division of Behavioral Health (DBH) as part of this agreement? – **Yes**
26. Can DBH please confirm that the contractor will have access to a data-sharing agreement with the collaborating hospitals? **Data-sharing agreements with collaborating hospitals will have to be obtained by the selected contractor.**
27. To what extent will consumer/client data from the following programs be available to support the needs assessment/gap analysis?
- b. Community Mental Health Centers – **Client level data and aggregate data**
  - c. State Inpatient Behavioral Health (Human Services Center) **Aggregate data**
  - d. Correctional Behavioral Health – **No, not an included population.**
  - e. Prevention Resource Centers – **Aggregate data**
  - f. Primary Care Provider Program – **unknown**
  - g. Health Home Data – **Aggregate data and claims data**
28. To what extent will Medicaid and related client behavioral health service data on South Dakota tribal consumer/client populations be available to the contractor for the needs assessment/gap analysis? – **Claims data will be available**
29. RFP 3.0 – Will the selected entity be given access to de-identified Medicaid mental health and substance misuse claims data for a period of time (2-5 past years)? **Yes**
30. Page 6, section 3.1 says that the offeror must describe how they will “analyze .... National prevalence data to calculate regional and local prevalence rates” Please clarify – rates of what? **Prevalence rates of individuals with mental health issues include clients with SMI, individuals with substance use disorders, hospitalizations for mental health related issues, and etc.**

#### Section 3.2 – Broadly assess the continuum of care

31. RFP Section 3.2: With regard to the continuum of care, will the Department facilitate introductions to entities to gather information about privately funded delivery systems, particularly related to resources and costs? **Yes, the Department will collaborate with selected vendor to facilitate introductions.**
32. RFP Section 3.2: Please identify other government agencies who may provide data regarding resources and costs. **Department of Social Services, Division of Medical Services, potentially the Unified Judicial System**
33. RFP Section 3.2: Do you envision some time period for analyses and reporting related to the Final Report? For example, over what time frame should the cost-effectiveness analysis be based? What time period some the prioritization cover, etc.? **Cost-effectiveness analysis should include cost savings per year, and over a five-year time, and ten-year timeframe**

34. Is this assessment expected to cover the entirety of the State, or are there specific geographies and/or sub-populations that are of particular interest? **Entirety of the state, behavioral health regions, and local levels when possible.**
35. Does the state have guidance regarding at what level to report the requested data? Section 3.2 of the RFP states “The final report should identify current gaps in behavioral health services and provide an analysis of state, regional, and local prevalence rates as compared to state, regional, and local service rates to establish unmet service needs.” How “local” does the state want these data presented? Presenting some data at the community level may not be feasible given HIPAA concerns, would presenting data at the CMHC catchment area level be acceptable? **Yes**
36. For section 3.2 “The final report should also assess impacts and costs of unmet service needs, identify current resources available to meet those needs, calculate potential return on investment of implementing best practices, determine appropriate resource allocation, and establish a prioritization for serving unmet needs.” Will the state be sharing the current behavioral health budget details, community contracts and recent budget requests to assist in this analysis? Will behavioral health budget or funding requests be shared? **Yes**
37. Section 3.2 - Will the Government provide access to data sources that track both publicly funded and privately funded services and supports? **Data sources will be provided for publicly funded services. The selected entity will need to obtain privately funded data sources to complete the analysis.**
38. Section 3.2 of the RFP states: “The final report should also assess impacts and costs of unmet service needs, identify current resources available to meet those needs, calculate potential return on investment of implementing best practices, determine appropriate resource allocation, and establish a prioritization for serving unmet needs.” Can the Division please provide additional details of what is expected from an ROI calculation on implementing best practices? **The Division expects the selected vendor to establish an ROI calculation for consideration.**
39. Will the Division support the contractor in requesting data from other State agencies and other entities to support accurate and local (i.e., community, county, regional, statewide) data collection? **Yes**
40. The Division is requesting information from the private sector. What is the experience of the Division in obtaining financial and other data from private sector partners? **The Division has not requested this type of information in the past which is one of the contributing factors in wanting a comprehensive needs and gaps analysis conducted by an expert vendor.**
41. Page 6, section 3.2 says “calculate potential return on investment of implementing best practices”. Best practices for what? – **Best practices for individuals receiving mental health services and/or substance use disorder services that support a continuum of care for clients.**
42. Item 3.2 notes that the Offeror will assess the current continuum of care. Does the State or its partners have access to service utilization data at the county, tribal (e.g., IHS), and/or cross-state levels (e.g., North Dakota services for South Dakota residents) that can

be made available to the project? If so, what is the format and availability of these data?  
The state currently has utilization data for publicly funded behavioral health services. Data can be provided in a txt file or excel file upon request.

### Section 3.3 – Stake Holders/ Focus Groups

43. How much consideration has DBH given to the impact of the COVID-19 pandemic on providers' ability and capacity to participate in site visits and/or focus groups during the contract period? Given the COVID-19 pandemic is fluid and rapidly changing, consideration will be based on the facts and Governor's executive order direction.
44. To what extent are providers and key stakeholders able to participate in virtual site visits and/or focus groups as part of the needs assessment/gap analysis, given the impact and guidelines associated with the COVID-19 pandemic? Virtual focus groups will be allowed.
45. RFP Section 3.3: Is there a preferred approach to stakeholder discussions, e.g., face-to-face, web-based, phone calls, etc. The RFP mentions focus groups; however, given current and potential new travel constraints, will the Department consider conducting these through other than face-to-face meetings? Virtual focus groups will be allowed.
46. Regarding focus groups, is it acceptable to conduct these remotely? Virtual focus groups will be allowed.
47. Please clarify the role of the vendor with regard to soliciting stakeholder feedback. For example, will the vendor be responsible for identifying and outreaching participants, securing meeting places, facilitating feedback sessions, summarizing themes, etc., or has the Department already obtained stakeholder input that will be provided to the vendor? The selected vendor will be responsible for soliciting stakeholder feedback as well as managing the arrangements for stakeholder feedback.
48. Will there be flexibility on the timeline for conducting research (especially in-person research, such as focus groups and in-person interviews), given the outbreak of COVID-19? Virtual services will be allowed.
49. Is there an existing advisory group for this initiative or is it expected that the contractor should convene such a group? The Department is in process of identifying an advisory group for this project and will work collaboratively with identified vendor to establish communication with the group
50. Can any key stakeholder interviews be conducted virtually? Yes
51. Will the State assist the contractor with the ability to facilitate meetings with Indian Health Services, Tribal Councils and other Tribal representatives to complete stakeholder and consumer interviews/focus groups? The selected vendor will be responsible for facilitating meetings/interviews. The State will assist with contacting and engaging.
52. Similarly, will the State (or Client Liaison) assist with contacting or engaging the South Dakota Department of Corrections? Yes
53. Will the State assist in scheduling focus groups in both English and Spanish or is that the responsibility of the contractor? – This is the responsibility of the selected vendor.
54. Will the State have the ability to provide consumers with a gift card for participating in a focus group or for completing a survey or is that to be included in the overall budget?

Proposals can include recommendations and cost associated with the utilization of gift cards for participation.

55. The RFP lists many different groups that should be included in the data collection process (Section 3.3); will the State of South Dakota be able to put the chosen offeror into contact with members at each of these organizations to facilitate introductions and further enable data collection? **Yes**
56. RFP 3.0 – Will the selected entity be provided an opportunity to hold one or more public forums (in addition to focus groups) in conjunction with the South Dakota Department of Social Services to take public input on existing mental health and substance misuse service gaps in the state? **Yes, there would be that opportunity. The selected vendor would work collaboratively with the Department on such efforts.**
57. Section 3.3 - Given the various stakeholders listed, does the government have a preference on the number of focus groups or if separate surveys are needed to capture different information across stakeholder groups? **No**
58. Does the Division have a minimum number of expected stakeholder focus groups that must be conducted? **No, but it is expected all listed groups are included.**
59. Does the Division have any requirements for conducting stakeholder engagement in any specific regions or locations? **No however it must be representative of all regions.**
60. Page 6, section 3.3 for budgeting purposes, how many focus groups do you anticipate the offeror should hold? How many survey methods? How many “other groups as agreed upon by the DBH” **There is not a set number and proposals may include recommendations to support the comprehensive needs and gaps analysis. However, all groups listed in the request for proposal shall be included.**
61. Based on the current environment of social distancing, does the Division see any delays to the start of the project? **No**
- a. If no delays are anticipated and social distancing is still necessary, will the Division allow the Contractor to engage in phone and virtual focus group and stakeholder engagement? **Yes**

#### Section 3.4 – Technical assistance

62. The RFP states the offeror must provide technical assistance regarding how services can be implemented or expanded to fill identified gaps, based on recommendations. Can you provide more information on how you would define, characterize, or see this technical assistance going? **Technical assistance may include recommendations for evidence-based practices to implement for both mental health and substance use disorder services based on identified gaps, and a plan for implementing identified evidence-based practices in services.**
63. Section 3.4 asks the offeror to provide technical assistance based on recommendations from the final report. Does DSS anticipate that assistance would be in person or provided remotely? **Information may be provided in person or provided remotely.**
64. Do you want general findings (e.g., number of clinic / practitioners that provide a specific therapy and their capacity) or clinical practice findings (fidelity of therapies at clinics)? **Both**



### Section 3.5 – Report Timeline

65. Section 3.5 states: “A draft report is due October 30, 2020, with a final draft due November 30, 2020.”
- The delivery of a final report in the fall of 2020 is a highly accelerated time frame for a statewide needs assessment.
  - Would DBH please confirm that this fall 2020 timeframe for the final report is an error or typo? **This is the correct deadline**
  - If not, would DBH consider accepting an interim report on key findings instead in fall 2020 and then a final report to be provided in the final month of the contract? **The ideal timeline is provided in the RFP, however, proposals may include alternative timelines.**
66. What activity is expected to happen between the report submission date (November 30, 2020) and the contract end date (May 31, 2021)? **The final report is expected by November 30, 2020. Work between December 1, 2020 – May 31, 2021 would depend upon the level of technical assistance provided as well as any services implemented and/or expanded based on the report findings.**
67. Section 3.5 - Per Section 1.12, the contract year is July 1, 2020 and ends on May 31, 2021. What specific work does the State expect from December 2020 through May 2021? **Work is expected to be completed by November 30, 2020.**

### Questions Related to Section 4.0

68. RFP Section 4.3 states that the offeror may be required to submit a copy of their most recent independently audited financial statements.
- Are we required to submit a copy of our most recent financial statements with our proposal response? **– No**
  - If yes -- As a CPA firm, we do not have audited financial statements. Will our internally-prepared financial statements and a bank reference letter suffice for this requirement? **If a most recent finance statement is requested, the State will work with vendor on needed documentation.**
69. If required, can the Consultant provide copies of independently audited financial statements of its parent company? **Yes**
70. Can the State clarify the total number of references requested? Are you looking for three total client references, either previous or current service/contracts, or three previous clients and three current clients, for a combined total of six references? **Three total references are required.**
71. The RFP states that availability to the project locale is an important criteria. Are there any expectations for the amount of time the chosen offeror would spend in South Dakota either collecting data or reviewing deliverables? **No**
72. RFP 4.4 – Can one of our three required previous / current contracts be a reference for a subcontracting organization rather than the prime? **Yes**
73. Page 7, section 4.5. Please describe what information would be sufficient to demonstrate availability and familiarity with the locale in which the project is to be implemented. **The**



response should demonstrate the vendors availability with the local to fulfil the RFP requirements, and familiarity with the local to fulfill the RFP requirements.

#### Special Project Constraints

- 74. The RFP states the offeror should detail examples that document their ability and proven history in handling special project constraints. Are there any specific project constraints that have been identified? **No.**
- 75. What types of things do you consider to be special project constraints outside of project budget and timeline? **See response to question 74.**
- 76. Under RFP Section 4.6, what are the special project constraints the State anticipates for this project? **See response to question 74.**
- 77. Page 7, section 4.6 Please describe what “special project constraints” we would need to demonstrate our ability to handle. **See response to question 74.**

#### Questions Related to Section 5.0

- 78. RFP 5.2.4 – Please clarify what is meant by “offerors may submit multiple cost proposals.” If multiple cost proposals are submitted, how will DSS factor that into the evaluation? **Vendors may provide alternative approaches to conduct the work; the cost proposal will be evaluated for the proposed approach best meeting the state’s needs.**
- 79. RFP Section 5.2.4: Cost Proposal. The RFP indicates that “Offerors may submit multiple cost proposals.” Please clarify those directions. Under what circumstances would multiple cost proposals be in order? Does this relate to 5.2.3.3? Is that section suggesting that offerors provide alternative approaches to conduct the work? **Yes, see response to question 78.**
- 80. Under RFP Section 5.2.3.3 would “options or alternatives proposed” include potential add-on services related to the scope of work defined in the RFP? **Yes**
- 81. Under RFP Section 5.2.4, is the State’s expectation that an offeror submitting multiple cost proposals would define varying levels of service and corresponding cost? **Yes, see response to question 78.**
- 82. Per RFP 5.3.4 (pg. 8), “Cost will be evaluated independently from the technical proposals Offerors may submit multiple cost proposals.” If physical copies are still required at the time of submission, should vendors submit cost proposals in a separate packet from the technical proposal? **Cost proposals may be submitted with the technical proposal.**
- 83. Per RFP 5.1, “An original and nine copies shall be submitted.” If cost is to be submitted separately from the technical proposal, how many copies of the technical and how many of the cost proposal should be submitted? **Cost proposals may be submitted with the technical proposal. Nine copies of the cost proposals and nine copies of the technical proposal are required if submitting paper copies. If submitting copies through SFTP, then only one copy is required.**
- 84. RFP 5.2.4 – Our rates are all inclusive of fringe benefits, travel, supplies, etc. For the cost proposal, is it permissible to include our all-inclusive rates on the Personnel tab and leave the other tabs blank? **Yes**

### Questions Related to Section 6.0

85. Under RFP Section 6.1, does the State have defined weights associated with the proposal evaluation criteria listed? **Yes**
86. Section 6.1.3 of the RFP states that responses will be evaluated on “Record of past performance, including price and cost data from previous projects, quality of work, ability to meet schedules, cost control, and contract administration” However, section 4.4 does not request offerors to present cost data from previous projects. Is that something that should be added to our response to section 4.4? **Yes, it may be included.**
87. RFP 6.1.3 – In what section of the RFP response does DSS wish to receive the information in 6.1.3 (price and cost data from previous projects, quality of work, ability to meet schedules, cost control, and contract administration). Should this information be included for the three previous/current service/contracts described in Section 4.4 of the RFP? **Yes, it may be included.**
88. In 6.2, the proposal advises the submittal of any information which documents successful and reliable experience and past performances. What information would you recommend for inclusion? **The response should include documentation that demonstrates successful and reliable experience in past experiences related to the scope of work identified in section 3.0.**

### Questions Related to Attachment A- Contract Questions

89. Would DBH please confirm that the project period of performance is for 12 months, beginning June 1, 2020, and ending May 31, 2021? **The final report is expected by November 30, 2020. Work between December 1, 2020 – May 31, 2020 would depend upon the level of technical assistance provided as well as any services implemented and/or expanded based on the report findings.**
90. Per page 4, the purchase of service contract will begin July 1, 2020 and end on May 31, 2021 and per page 6, a final report is due November 30, 2020. Are we to assume the contract ends on November 30th, 2020? Is the extended timeframe (December 2020 to May 31, 2021 or additional six-months, in case of any delays with contract processing or project completion)? **See response to question 89.**
91. Under RFP Section 1.12, the length of contract is from July 1, 2020 to May 31, 2021. However, the final report is due November 30, 2020. Does the State have any other anticipated activities or deliverables the contractor must fulfil between December 1, 2020 to May 31, 2021? **See response to question 89.**
92. Section 1.12 indicates that the contract will begin July 1, 2020 and end May 31, 2021. In section 3.5, it indicates that a draft report highlighting assessment results and recommendations is due in final draft by November 30, 2020. Section 3.4 indicates that the offeror is to provide technical assistance (TA) based on recommendations from the final report. Is that TA what DSS expects from the second half of this contract? **See response to question 89.**

93. RFP 1.12 – Please confirm the contract period is from July 1, 2020 through May 31, 2021 rather than starting June 1, 2020 as indicated in Attachment A. **See response to question 89.**
94. Item 4 of the proposed contract requires Consultant to invoice the State monthly. Are these monthly invoices based on actual hours work in the respective month billed at the hourly rates on Personnel tab of Attachment B or will the Consultant and the State agree on a payment schedule based on the Total cost proposal on the Summary tab of Attachment B regardless of actual hours worked? **It is anticipated to reimburse based on actual hours worked; however, the state may negotiate a fixed price contract.**
95. In Section 3 of Attachment A, is the intent that the Consultant will use state equipment, supplies or facilities? **No**
96. Will the State agree to 30 day payment terms? **The state will make payment for services upon satisfactory completion of services and receipt of a bill. Payment will be in accordance with SDCL 5-26.**
97. Will the State agree to pay Consultant for retaining records for period of time in excess of Consultant’s standard record retention period if the State notifies the Consultant that such records are under a pending audit in accordance with Section 8 of Attachment A?
98. Will the State agree to the following restrictions with respect to its right to have access to and examine and copy all records, books, papers or documents related to the services under the Agreement under Section 8 of Attachment A? **Proposals should identify concerns with the standard contract language and include proposed language for consideration.**

“Any such examination or audit shall be at the State’s expense. Due to the confidential and proprietary nature of Consultant’s operations and to protect the integrity and security of its operations and the shared nature of systems which may be used to provide the Services under this Agreement, Consultant reserves the right to reasonably limit the scope of such inspections, and require that such inspections (i) must be preceded by advance written request of no less than 30 days prior to the anticipated start date and may occur no more than once in any twelve (12) month period, barring exigent circumstances, in which case an inspection may be performed in response to such circumstance or concern, and at a time mutually agreed by Consultant and the State, (ii) if to be conducted by a third party, the third party must be a mutually agreed upon specialist in the subject of the inspection, where such agreement by Consultant shall not be unreasonably withheld, (iii) are subject to appropriate confidentiality and non-disclosure provisions, and (iv) may not unreasonably disrupt Consultant’s normal business or IT operations. Such inspections may be conducted by the State’s counsel, its internal staff, by independent third parties retained by the State, or other governmental authorities having jurisdiction over the State. The State agrees that should any independent inspector be deemed by Consultant to be a competitor of Consultant, the parties shall mutually agree to the inspection procedures prior to such inspection.”

99. Will the State agree to the following retention rights of Consultant as an exception to return information provided from the State under Section 10 of Attachment A: **See response to question 98.**

“Notwithstanding the forgoing to the contrary, Consultant, subject to its confidentiality obligations under this Agreement, may (i) retain copies of information received from the State that it is required to retain by law or regulation, (ii) retain copies of its work product containing such information for archival purposes or to defend its work product and (iii) in accordance with legal, disaster recovery and records retention requirements, store such copies and derivative works of such information in an archival format (e.g. tape backups), which may not be returned.”

100. Will the State agree to a jury trial waiver provision being added to the Agreement? **See response to question 98.**

101. Will the State agree to a thirty (30) day cure period for any breach of the Agreement before it is terminated pursuant to Section 10 of Attachment A? **See response to question 98.**

102. Will the State agree to add the following provision to the end of Section 12 of Attachment A: **See response to question 98.**

“Consultant is not obligated to provide services unless and until written notification is received from the State that the necessary funds are availability for the services. If so notified, Consultant’s obligation shall increase only to the extent funds are made available.”

103. Is the State willing to negotiate the terms and conditions of the contract? **Yes, upon award.**

104. Under Attachment A Section 22D, does the State require Medical Health Professional coverage for this scope of work if no clinical services are provided? **No**

105. Appendix A - How does the State envision the successful vendor obtaining “service rates” mentioned on page 8, Section 3.2 outside of claims data? **No**

#### **Questions Related to Attachment B (Cost Proposal)**

106. RFP Attachment B - Cost Proposal: Many consulting firms utilize all-inclusive hourly rates for personnel. This rate includes factors such as salary, benefits, and direct and administrative/equipment expenses, etc. May a bidder submit the proposed program cost using these hourly rates on the Personnel tab (and not break out fringe benefits, equipment, etc.)? **Yes; however, please identify in the justification what is included in the personnel costs.**

107. Is the Cost Proposal to be submitted in the same document with the Executive Summary and the detailed response, or as a separate document? **The cost proposal may be submitted with the Executive Summary or as a separate document including returning it as an excel file.**

108. Can the State please explain how Vendors should interpret the instructions “Offerors may submit multiple cost proposals”? **Vendors may provide alternative approaches to conduct the work; the cost proposal will be evaluated for the proposed approach best meeting the state’s needs.**
109. If Vendor proposes Personnel hourly rates that are all-inclusive of Fringe Benefits, Equipment, Supplies, Indirect and Other can the Vendor list \$0 for these non-Personnel lines items in Attachment B and only provide cost proposal amounts for Personnel and Travel, respectively? **Yes; however, please identify in the justification what is included in the personnel costs.**
110. If Vendor proposes Personnel hourly rates that are all-inclusive of Fringe Benefits, Equipment, Supplies, Indirect and Other can the Vendor list \$0 for these non-Personnel lines items in Attachment B and is the Justification box for each item “Not applicable because the hourly rates in Personnel tab are all-inclusive of these costs”? **Yes; however, please include a note in the justification as to what is included in the personnel costs.**
111. Are there any restrictions on how the Travel expenses are to be provided (e.g., all vendors must use the federal GSA rates, State-based travel expense schedule allowances, other)? If there are restrictions, please specify so that all Vendors can use the applicable Travel expense limitations acceptable to the State. **Vendors may use either standard state-based travel rates or GSA rates. Please identify which schedule is being used in the proposal. It would be anticipated that South Dakota-based vendors use established state-based travel rates.**
112. What are the expectations for on-site work throughout this project? This information will help vendors develop adequate travel costs. **Work may be conducted virtually or on-site. On-site work may be limited as a result of the COVID-19 pandemic.**
113. If the bidder’s hourly rates to be included on the Personnel tab already incorporate fringe, etc., does the bidder still need to break out fringe costs separately on the Fringe Benefits tab? **No; however, please identify in the justification what is included in the personnel costs.**
114. The Cost Proposal (Attachment B, RFP section 7.0) asks for a by-staff breakdown of all personnel, hours, and rates applied to individual personnel, and separate tabs for fringe benefits, indirect costs, and other components. Our company typically quotes an all-inclusive flat hourly personnel rate. Is it acceptable for us to provide an all-inclusive rate estimate in the Personnel tab of Attachment B and leave all other tabs blank? **Yes; however, please identify in the justification what is included in the personnel costs.**

#### Hours worked versus fixed price contract

115. Is the State intending this contract to be fixed price contract based on the total amount shown on the Summary tab of Attachment B or will the Vendor be paid based on actual hours worked at the hourly rates (\$/Hr) proposed on the Personnel tab of Attachment B? **It is anticipated to reimburse based on actual hours worked; however, the state may negotiate a fixed price contract.**

116. In the budget template, there are several tabs. Is the expectation that bidders will need to fill out each tab? For example, if there are no equipment needs for this project, can the Equipment tab be left blank or indicated as not applicable, or if the bidder does not intend to include indirect costs, can the Indirect tab be left blank or indicated as not applicable? **Please indicate not applicable on any tabs where no costs are being requested.**

## General Questions

### Previous Needs Assessment Work

117. Has South Dakota engaged consultants in recent years to conduct a needs assessment or develop recommendations regarding prioritization of service development? **No**
- a. If yes, who was the firm? Is their work available for review? Has the State done any such work?
118. Is the State currently working with a contractor on this type of work? If yes, who is the incumbent? **No**
119. Is the State working with a current vendor on services similar to those described in the scope of work? **No**
- b. If yes, who is the vendor and what is the annual contract amount?
120. Is this a new requirement? **No**
121. Is there an incumbent on this contract currently doing this work? If so, who? **No**

### Other

122. Regarding potential oral presentations/negotiations, does the State anticipate that these meetings will be in-person or is teleconference acceptable? **Either is acceptable.**
123. How will the State notify vendors of award, e.g. email notification, posting on procurement website, etc.? If the State will notify vendors directly, will all vendors be notified or only the selected vendor? **The selected vendor may be notified by mail or by email. All vendors who apply will be notified of the selected vendor, and other vendors who applied. The selected proposal will also be made available on the state procurement website following the signing of the contract.**
124. Who are the members of the evaluation team? **Members include individuals from multiple state agencies.**
125. Please provide the names of vendors who submitted questions. If the State is unable to provide the names, please provide the number of vendors who submitted questions. **The state is not required to release this information.**
126. General – Are there requirements for the Contractor to be on site at a regular frequency? If so, how often? **No**
127. To what extent is it required that the contractor be physically located in South Dakota? **It is not required.**
128. What is the page limit for this proposal? **There is not a page limit.**

129. What qualities are you most looking for in terms of a relationship with the awarded contractor? **The selected proposal will be identified through the scoring process and based upon the requirements of the RFP.**

### Legal Questions

130. Section 1.11 provides that pricing and service elements are not considered proprietary and cannot be protected. Can XXX protect from public disclosure its pricing/cost proposal and customer information as trade secrets? XXX's position is that its pricing, as well as the client reference information under Section 4.4, is trade secret information, consistent with the definition of Trade Secret under the South Dakota Uniform Trade Secrets Act Chapter 37-29(4) which defines Trade Secret as follows: **As stated in the Request For Proposal, pricing/cost proposal cannot be considered proprietary information, nor a trade secret. Client reference information can be considered proprietary information.**
- (4) "Trade secret," information, including a formula, pattern, compilation, program, device, method, technique, or process, that: (i) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and (ii) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.
131. Is any official prior approval needed to any alteration or deviation to Standard Terms and Conditions as noted in Section 2? **Agreements will be made during contract negotiations upon award.**
132. Where should vendors include exceptions, e.g. attachment to cover letter, appendix of RFP response, etc.? **Exceptions may be included in an appendix.**
133. Does the submission of exceptions have any impact on the scoring of the vendor's proposal? **No**
134. Will the State consider limiting liability on this contract? **This can be discussed as part of the contract negotiation.**
135. Will the State consider limiting liability for data breaches / breaches of confidentiality? **This can be discussed as part of the contract negotiation.**